

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION

CRIMINAL NO. 1:07CR118

FILED  
ASHEVILLE, N.C.  
FEB 13 2009  
U.S. DISTRICT COURT  
W. DIST. OF N.C.

UNITED STATES OF AMERICA, )  
)  
Plaintiff, )  
v. )  
)  
DENNIS CLARY )  
)  
Defendant. )

**FINAL ORDER OF FORFEITURE**

**BY CONSENT**

WHEREAS, the United States filed a one-Count Bill of Information on December 5, 2007, charging the defendant in with conducting and abetting an illegal gambling business, a violation of 18 U.S.C. § 1955 and 2.

WHEREAS, the Bill of Information included a Notice of Forfeiture in which the United States asserted its intention to forfeit two tracts of real property in connection with the violation, to wit:

- 104 Gidney Street, Shelby, North Carolina, as described in Cleveland County Deed Book 1448, Page 716, Cleveland County, North Carolina.
- 338 Old Stubbs Road, Shelby, North Carolina, as described in Cleveland County Deed Book 15N, Page 410, Cleveland County, North Carolina.

WHEREAS, on December 5, 2007, the defendant filed a Plea Agreement in which he agreed to plead guilty to the Bill of Information and to the forfeiture of the two tracts of real property;

WHEREAS, on December 6, 2007, the defendant pleaded guilty to the Bill of Information pursuant to Fed. R. Crim. P. 11;

WHEREAS, on January 28, 2008, the Court entered a Preliminary Order of Forfeiture in which it forfeited the defendant's interest in the two tracts of real property;

WHEREAS, on February 11, 2008, Janet Self Clary, wife of the defendant, filed a Petition claiming an ownership interest in the two tracts of real property;

WHEREAS, the United States and Janet Self Clary have reached an agreement concerning her Petition in which Janet Self Clary consents to withdraw her Petition and the United States consents to quitclaim its interest in the two tracts of real property to her;

WHEREAS, on September 9, 2008, the United States filed proof of Notice by Publication;

WHEREAS, there are no other Petitioners;

NOW, THEREFORE:

1. Pursuant to Fed. R. Crim. P. 32.2(c), the forfeiture of the following two tracts of real property is confirmed as final:

– 104 Gidney Street, Shelby, North Carolina, as described in Cleveland County Deed Book 1448, Page 716, Cleveland County, North Carolina;

– 338 Old Stubbs Road, Shelby, North Carolina, as described in Cleveland County Deed Book 15N, Page 410, Cleveland County, North Carolina.

2. Janet Self Clary is ordered to never transfer any ownership in the forfeited property to Dennis Clary;

3. Upon entry of this Order, the United States is ordered to quitclaim its interest in the two tracts of real property to Janet Self Clary.

4. The parties shall bear their own costs, including attorney's fees.

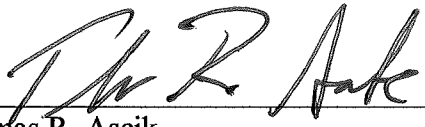
IT IS SO ORDERED.

This the 30 day of January, 2009 .

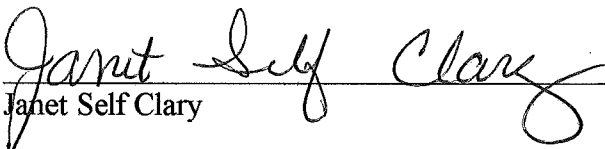
  
\_\_\_\_\_  
THOMAS SELBY ELLIS, III  
UNITED STATES DISTRICT COURT JUDGE

2/10/09

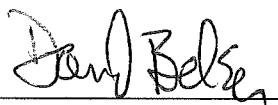
WITH CONSENT:

  
\_\_\_\_\_  
Thomas R. Ascik  
Assistant United States Attorney

2/5/09  
Date

  
\_\_\_\_\_  
Janet Self Clary

1-30-09  
Date

  
\_\_\_\_\_  
David Belser  
Counsel to Janet Self Clary

1/3/09  
Date